

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,591	05/23/2001	Salah M. Oweis	A7969	8398
7	590 02/04/2003			
SUGHRUE, MION, ZINN			EXAMINER	
MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, NW Washington, DC 20037-3213			MAPLES, JOHN S	JOHN S
			ART UNIT	PAPER NUMBER
		•	1745	
			DATE MAILED: 02/04/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Period for Reply  A SHORTENED STATUTORY PERIOD F THE MAILING DATE OF THIS COMMUN  Extensions of time may be available under the provisions after SIX (6) MONTHS from the mailing date of this common in the period for reply specified above is less than thirty (3 or 18 No period for reply is specified above, the maximum in Failure to reply within the set or extended period for reply. Any reply received by the Office later than three months earned patent term adjustment. See 37 CFR 1.704(b).  Status  1) Responsive to communication(s) file 2a) This action is FINAL.  3) Since this application is in conditionally closed in accordance with the practice of the process of the practice of	Office Action Summary	Part of Paper No. 6				
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,	John S. Maples	1745				
· · ·	Examiner	Art Unit				
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Art Unit: 1745

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-55 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The makeup or composition of the thermally conductive liquid that flows through the duct work has not been disclosed in either the specification nor the claims. It is not known what this liquid comprises.

3. Claims 11-55 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The duct work touching each of the cells is critical or essential to the practice of the invention, but not included in the claims is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

Page 4, lines 9-16 of the present specification sets forth that the tube 13 makes contact with each of the battery cells as it winds through a battery casing. In any event, the invention would not work as claimed unless the tube makes contact with each of the cells so the same requires recitation in the claims.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rectangular cross-section tubing must be shown or the feature canceled from the claims. No new matter should be entered.



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A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 6. Claims 1-3, 5, 10-13, 15, 19, 21-24, 26, 30, 33, 44, 47-49 and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Lim-US 4,567,119.

See the figures of Lim along with column 3, line 60 through column 4, line 36. It is noted that applicant has not positively recited the liquid so that the teachings in Lim meet the same.  $22^{23}$   $44^{30}$  31/33  $44^{30}$ 

7. Claims N=13, 15, 19-24, 26, 30=3-1, 33, 44 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker-US 1,152,247.

See the drawing figures in Walker and page 1 through page 2, the left column. It is noted that applicant has not positively recited the liquid so that the teachings in Walker meet the same.

- 7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1, (7) 11, (17) 22, 28, (38) and (39) are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim.

The only claimed feature not shown by Lim is the pump for circulating coolant. It would have been obvious for one of ordinary skill in this art at the time the invention was made to have included in the battery of Lim a pump so that the fluid could be circulated through all of the batteries in a quicker manner thus cooling the battery at a faster rate. The same would insure a longer life for the batteries.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Maples whose telephone number is 703-308-1795. The examiner can normally be reached on Monday-Thursday from 6:15-3:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 703-308-2383. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

John S. Maples Primary Examiner Art Unit 1745

JSM January 27, 2003